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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

The Navajo Nation, et al.,

Plaintiff,

v.

Katie Hobbs, et al.,

Defendant.

No. CV-18-08329-PCT-DWL

**JOINT NOTICE OF SETTLEMENT
AGREEMENT AND STIPULATION
WITH PROPOSED ORDER**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Plaintiffs (the Navajo Nation, Joyce Nez, Denise Johnson, Ashley Atene Sr., Irene Roy, Bonnie Tsosie, and Dale Smith), and Apache County Defendants County Recorder Edison J. Wauneka, County Elections Director Angela Romero, the County Board of Supervisors, and the County Board of Supervisors Chairman Alton Joe Shepherd (collectively, the “Parties”), notify the Court that the attached Settlement Agreement (“Agreement”) has been reached regarding the Plaintiffs’ claims against the Apache County Defendants. The Parties hereby

1 stipulate to and request an order dismissing with prejudice the claims against Defendants
2 (“Proposed Order”), subject to the terms of the Agreement.

3 The Parties’ Agreement contemplates that this Court, through its Order, expressly
4 retain jurisdiction to oversee compliance over the Agreement, as authorized by the Supreme
5 Court in *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375 (1995). There are five
6 duties under the Agreement. Under Section 1, the “In-Person Early Voting Polling Places”
7 section, the Defendants shall provide additional early voting locations on the Navajo
8 Reservation. Under Section 2, the “Voter Registration Plan” section, the Defendants shall
9 develop a voter registration plan and provide this plan to the Navajo Nation. Under Section
10 3, the “Radio and Print Announcements” section, the Defendants shall provide timely radio
11 and print advertisements on election topics. Under Section 4, the “Navajo Interpreters”
12 section, the Defendants will continue to provide Navajo translators at each polling place
13 and the Defendants will use a trained Navajo interpreter to train poll workers in the Navajo
14 language. Under Section 5, the “Curing Signatures” section, the Defendants shall allow a
15 voter to cure an unsigned ballot. The Parties are asking the Court to retain jurisdiction for
16 a period of three years, from the effective date of the Agreement.¹ See Agreement, § 8.
17 The Parties agree that the provisions in the Agreement are fair, limited in scope, and
18 reasonable, which warrants the Court retaining jurisdiction. See *United States v. Oregon*,
19 913 F.2d 576, 580 (9th Cir. 1990).

20 The Parties respectfully request that the Court enter the Proposed Order filed
21 concurrently herewith dismissing Plaintiffs’ claims against Defendants and retaining
22 jurisdiction under the Agreement to resolve any and all disputes arising under these
23 sections of the Agreement. The Parties further stipulate that each Party shall bear its own
24 costs and attorneys’ fees.

25
26
27 ¹ Federal courts have the power to retain jurisdiction “over a number of years” following a
28 dismissal order. See *Brass Smith, LLC v. RPI Indus., Inc.*, 827 F. Supp. 2d 377, 383 (D.N.J.
2011).

1 DATED this 12th day of September, 2019.

2
3 SACKS TIERNEY P.A.

4
5 By: s/ Patty A. Ferguson-Bohnee

6 Patty A. Ferguson-Bohnee
7 Judith M. Dworkin
8 Joe Keene

9 and

10 Paul Spruhan
11 NAVAJO NATION DEPARTMENT OF
12 JUSTICE
13 *Attorneys for the Plaintiffs*

14 By: s/ Joe Young

15 Joe Young
16 Apache County Deputy County Attorney
17 *Attorneys for Apache County Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2019, I electronically transmitted the foregoing JOINT NOTICE OF SETTLEMENT AGREEMENT AND STIPULATION WITH PROPOSED ORDER to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

s/ Rebecca C. Urias